

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MOBILE BAY WATCH, INC.,  
An Alabama Non-Profit Corporation,**

**Plaintiff,**

**v.**

**THE WATER WORKS AND SEWER  
BOARD OF THE CITY OF PRICHARD,  
ALABAMA,**

**Defendant,**

**v.**

**THE ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT,  
McCRORY AND WILLIAMS, INC.,  
a corporation; et al.**

**Third-Party Defendants**

**CIVIL ACTION NO. 04-0302-CG-C**

**ORDER**

On June 12, 2007, a motion was filed by third-party defendant, the Alabama Department of Environmental Management (“ADEM”), seeking judgment on the pleadings or, in the alternative, summary judgment as to third-party claims asserted against it by the Water Works and Sewer Board of the City of Prichard (“WWSB”). (Doc. 125). Any party opposing the motion was ordered to file a response on or before June 28, 2007. (Doc. 127). No response was filed and the court ordered WWSB to show cause why a timely response had not been filed. (Doc. 132). On July 13, 2007, WWSB responded with a request for an extension of time to respond to the motion. (Doc. 137). The court granted WWSB an extension until August 22,

2007, to file its response. (Doc. 142). To date, no response has been filed. Therefore, the court concludes that the WWSB has abandoned its claims against ADEM.

Accordingly, the renewed motion for judgment on the pleadings filed by ADEM (Doc. 125) is **GRANTED**, and all claims asserted by the Water Works and Sewer Board of the City of Prichard against the Alabama Department of Environmental Management are hereby **DISMISSED**.

**DONE and ORDERED** this 27<sup>th</sup> day of August, 2007.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE